

APPEAL NO. 040793
FILED MAY 17, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 3, 2004. The hearing officer determined that appellant (claimant) reached maximum medical improvement (MMI) on January 2, 2003, with an impairment rating (IR) of five percent. Claimant appealed these determinations on sufficiency grounds and complains that the designated doctor and the hearing officer did not properly consider the issues. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. The record does not indicate that the designated doctor failed to properly consider whether claimant was at MMI. Similarly, the record does not show that the designated doctor did not properly consider and rate the entire injury. The hearing officer considered claimant's entire injury and then considered the issues regarding claimant's MMI date and IR. The hearing officer did not err in according presumptive weight to the designated doctor's report. We conclude that the hearing officer's determinations are supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Thomas A. Knapp
Appeals Judge